

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TEXTILE COMPUTER SYSTEMS, INC.,

Plaintiff,

v.

FROST BANK,

Defendant.

CIVIL ACTION NO. 6:21-cv-1053-ADA

JURY TRIAL DEMANDED

**ORDER GRANTING-IN-PART AND DENYING-IN-PART MOTION TO DISMISS (ECF
No. 19)**

Before the Court is the Defendant's Motion to Dismiss (ECF No. 19) in the above captioned case. The Court conducted a hearing on August 5, 2022. The Court issued rulings on Defendant's Motion, and this order does not alter those rulings.

The Court orders as follows:

- The Court **DENIES** Defendant's Motion to Dismiss Textile's direct infringement claims as to all the Asserted Patents.
- The Court **DENIES** Defendant's Motion to Dismiss Textile's pre-suit induced infringement and willful infringement claims for the '079 Patent and the '802 Patent.
- The Court **DISMISSES WITHOUT PREJUDICE** Textile's pre-suit induced infringement and willful infringement claims for the '499 Patent, '659 Patent, and the '454 Patent. However, Textile is allowed to amend its Complaint and re-plead pre-suit induced infringement and willful infringement claims if it can elicit sufficient facts during fact discovery to support such allegations.

- The Court **DENIES** Defendant's Motion to Dismiss post-suit willful infringement claims as to all the Asserted Patents.
- The Court **DISMISSES WITHOUT PREJUDICE** Textile's contributory infringement claims as to all the Asserted Patents. However, Textile is allowed to amend its Complaint and re-plead contributory infringement claims if it can elicit sufficient facts during fact discovery to support such allegations.

SIGNED this 5th day of August, 2022.

A handwritten signature in black ink, reading "Alan D Albright", is written over a solid horizontal line.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE